

REMARKS

CLAIM STATUS AND AMENDMENTS

Claims 1, 3-6 and 8-17 were pending in this application when last examined and stand rejected. Claims 1, 3, 8, 10, 13 and 17 are amended to further clarify the intended subject matter. Support for the amendments can be found in the specification and original claims. No new matter has been added.

Applicants gratefully acknowledge the indication, at page 3 of the Office Action, that the previous rejections under 35 U.S.C. § 112, second paragraph, and under 35 U.S.C. § 103 over TAMARKIN et al., FRIEDMAN et al. and BONDA, have been withdrawn.

ALLOWABLE SUBJECT MATTER

Applicants gratefully acknowledge the indication, at page 10 of the Office Action, that claims 1, 4-6 and 8-17 contain allowable subject matter and would be allowed if amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. In view of the above amendments and foregoing remarks, claims 1, 4-6 and 8-17, as well as claim 3, are in condition for allowance.

CLAIM OBJECTION

At page 4, the Office Action objects to claim 10 because of informalities. Amended claim 10 corrects the typographical error in α -tocopherol.

CLAIM REJECTION - 35 U.S.C. § 112

At page 4, the Office Action rejects claims 1, 3-6 and 8-17 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully traverse the rejection.

Amended claims 1, 3, 8, 10, 13 and 17 address each of the issues noted in the Office Action. In particular, amended claim 1 further clarifies the water to phospholipid emulsifier (W/PE) ratio in the microemulsion. The phospholipid emulsifier is phosphatidylcholine and/or soy lecithin, as disclosed in the specification, for example, at page 5, lines 19-23.

Amended claim 3 further clarifies that the oil phase consists of alkyl esters of C₁₀-C₂₂ fatty acids, as disclosed in the specification, for example, at page 5, lines 25-26.

Amended claim 8 further clarifies the O-sulphated HA derivatives and the auto-crosslinked HA. Applicants gratefully acknowledge the Examiner's helpful suggestions in this regard.

Amended claim 17 further clarifies the method for preparing the microemulsion, and in particular, clarifies the featured HA derivatives.

Amended claim 13 also clarifies the intended subject matter. Support for amended claim 13 can be found in the specification at page 7, lines 1-14.

In view of the amendments, each of claims 1, 3-6 and 8-17 clearly defines the intended subject matter and satisfies the requirements of 35 U.S.C. § 112, second paragraph. Accordingly,

Applicants respectfully request reconsideration and withdrawal of the rejection.

CLAIM REJECTIONS - 35 U.S.C. § 103

At page 7, the Office Action rejects claim 3 under 35 U.S.C. § 103(a) as being unpatentable over TAMARKIN et al. (US Patent Application Publication 2005/0031547), in view of FRIEDMAN et al. (US Patent No. 5,744,155). Applicants respectfully traverse the rejection.

The Office Action holds the position that the foreign priority document, MI2003A002019, does not provide sufficient support for "alkyl esters of fatty acids," and thus, cannot be used to antedate the TAMARKIN reference in regard to claim 3. The Office Action acknowledges that MI2003A002019 does recite support for alkyl esters of C₁₀-C₂₂ fatty acids, for example at page 5, line 25 (see, page 10 of the Office Action).

Amended claim 3 now features "alkyl esters of C₁₀-C₂₂ fatty acids," and thus, MI2003A002019 can be used to antedate TAMARKIN, as was done in regard to claims 1, 4-5 and 8-16 (see, page 3 of the Office Action). Accordingly, Applicants request reconsideration and withdrawal of the rejection.

CONCLUSION

Having addressed all the outstanding issues, the amendment is believed to be fully responsive. Entry of the above

amendments is earnestly solicited and Applicants respectfully request that a timely Notice of Allowance be issued in this case.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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